

REMARKS

The Application has been carefully reviewed in light of the Office Action dated January 4, 2005. Claims 34-60 are presented for examination, of which Claims 34, 46-49 and 54-60 are in independent form. Claims 34, 35 and 46-48 have been amended to define still more clearly what Applicant regards as his invention, in terms which distinguish over the art of record. Claims 49-60 have been added to assure Applicant of a full measure of protection of the scope to which he deems himself entitled. A substitute specification (including the abstract) is submitted herewith, in both marked and clean versions, to address various minor informalities identified therein; no new matter has been added.

First, it is noted that Applicant filed a third Information Disclosure Statement with his Amendment dated August 11, 2004 (see attached PAIR print-out). The Examiner is respectfully requested, with the next paper mailed, to return an initialed copy of the form PTO-1449 filed with that Information Disclosure Statement.

In addition, in the Office Action mailed March 12, 2004, the Summary Page contains what appears to be an acknowledgment of Applicant's claim to priority, but no box was checked to indicate clearly whether the certified copy of the priority application was or was not received. Unless otherwise advised by the Examiner, Applicant assumes that the certified copy is in the Examiner's file.

In the outstanding Office Action, Claims 34, 36-40 and 44-48 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,680,749 (Anderson et al.) in view of U.S. Patent 5,459,830 (Ohba et al.). In addition, Claim 35 was rejected under Section 103(a) as being obvious from those two patents, in view of U.S. Patent 6,215,523

(Anderson et al.), Claim 41, as being obvious from *Anderson '749* in view of *Ohba* and U.S. Patent 5,752,053 (Takakura et al.), and Claims 42 and 43, as being obvious from *Anderson '749* in view of *Ohba* and U.S. Patent 6,657,702 (Chui et al.).

As is described in detail in the application, the burgeoning use of digital cameras and related technology has in some respects outpaced the capabilities of that technology. Once a number of pictures have been shot and stored, for example, existing ways for a user to select particular ones for specified further processing (printing or other) are somewhat cumbersome. Such approaches may require the user to expand thumbnail images of possible interest one by one to see enough detail to decide which are to be processed, after which the thumbnail-image index must again be viewed to make the actual selection. Other inconveniences and disadvantages of existing methods are detailed in the present application.

Using the techniques to which the present independent claims are respectively directed, some or all of these disadvantages can be addressed. For example, independent Claim 34 is directed to an image processing apparatus that comprises a capturing unit adapted to capture a reduction image from a storage medium storing storage images, the reduction images respectively corresponding to the storage images. Also provided are a first display control unit that causes a display device to display the reduction images captured by the capturing unit, and a first selection indication unit that selects and indicates those reduction images which are to be subjected to a specific image process, from the reduction images displayed on the display device. A second display control unit causes sequentially display of a larger size image for each of the reduction images indicated the first selection indication unit, and an execution indication unit selects and

indicates which of the storage images are to be subjected to the specific image process, by selecting a corresponding larger size image sequentially displayed by the second display control unit. A specifying unit specifies as a group, as a target of the specific image process, the storage images corresponding to the larger size images indicated by the execution indication unit, upon completion of the display by the second display control unit, and the second display control unit performs a slide show display.

Among other important features of the apparatus of Claim 34, therefore, is that large images are sequentially displayed, the images to be processed are selected from among the displayed large images as desired by the user, and the execution of the relevant process is applied to the selected images.

Anderson '749 relates to a system in which a thumbnail image and a large image are displayed, and, *Ohba*, to a method of producing an image from a group of the moving images in a predetermined period of time. In the *Anderson '749* system, four thumbnail images are displayed at once across the top of the device (see Fig. 9), and one of these, selected by the user, is displayed 704 in a larger size. In the menu mode, the user can select one of a number of processing actions, and can preview the image (i.e., see what the image would look like if processed using the action in question).

It is noted that the Office Action specifically refers to col. 12, lines 65 and 66, and col. 13, lines 17-21, as disclosing the selection by the user of the large image using the *Anderson '749* apparatus. This is believed to be a misapprehension of the content of that patent. Col. 12, line 65, through col. 13, line 5, says, for example:

“When the application program is executed, the *selected* image is *displayed as the large thumbnail 854*, and the different type of effects provided by the application are automatically applied to the selected image. the results of the

different types of effects applied to the selected images are shown in the application-specific items 852 as thumbnail images to provide the user with a real-time preview of the results. [emphases added]”

Thus, the selection is made prior to the display of the image in the large size. This is not seen to suggest an arrangement in which a selection is made among large-size images.

Again, col. 13, lines 15-21, states:

“Each of these different types of distortion effects is applied to the image represented by the large thumbnail 854 and displayed as a thumbnail is [*sic*; as] image 852. The user may then *scroll through the thumbnails* 852 displaying the preview results and *select one of the effects* to permanently apply to the selected image. The resulting image can then be saved and/or printed. [emphases added]”

Nothing in either passage (nor anything else found or pointed out in *Anderson* ‘749) is seen even to hint at displaying large images and a user selecting among such large images. At a minimum, Applicant submits that nothing has been found, or pointed out, in *Anderson* ‘749 that would teach or suggest either the execution indication unit or the specifying unit of Claim 34.

Nor is anything in that patent seen to suggest a display control unit like the second display control unit recited in Claim 34, which is adapted to perform a slide-show type of display.

Ohba relates to a system which permits a user to perform a sampling process on a stream of animated image data to produce a still image, which can be stored in a selected format as part of an index. That is, the still images appear to be used as part of an index of the sets of animated images.

To being with, however, even if *Ohba* were deemed to have all that it is cited for in the Office Action, and even assuming the proposed combination of that patent

with *Anderson '749* were a proper one, the result of such combination would not meet the terms of Claim 34. First, the result would still lack the recited execution indication unit, as discussed above. Moreover, since the recited specifying unit is recited as specifying “storage images corresponding to *the larger size images indicated by said execution indication unit* [emphasis added]”, the proposed combination would not in fact include a specifying unit as that unit is recited in Claim 34.

Moreover, it is not seen what in *Ohba*, particularly the cited passage of that patent, is thought by the Examiner to perform the function of specifying anything “as a group”, much less to specify a group “as a target of [a] specific image process”, as recited in Claim 34. For this reason, as well, it is believed that neither of these patents teaches, or even hints at, the specifying unit of Claim 34.

For all these reasons, it is believed to be clear that Claim 34 is allowable over *Anderson '749* and *Ohba*, taken separately or in any permissible combination (if any exists).

Independent Claim 49 is directed to an image processing apparatus that comprises a capturing unit adapted to capture a reduction image stored in a storage medium, and a display control unit adapted to cause a display device to switch-display images each larger than the corresponding reduction image captured by the capturing unit. A registering unit registers, from among a series of image switch-displayed by the display control unit, the image indicated by a user as a target of a specific process.

Independent Claim 54 is directed to an image processing apparatus that comprises a capturing unit that captures images stored in a storage medium, a display control unit that controls so that the captured images are displayed entirely on a display

device, and a registering unit that registers, from among a series of images switch-
displayed by the display control unit, the image indicated by a user as a target of a specific
process.

Both of these claims are believed to be clearly allowable over *Anderson*
'749 and *Ohba* for the reasons discussed above in connection with Claim 34.

Each of the other independent claims is either a method, program or
medium claim corresponding to one or another of the apparatus claims discussed above,
and are believed to be allowable for at least the reasons advanced above with regard to
Claim 34.

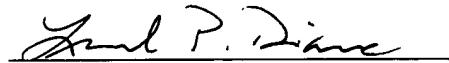
A review of the other art of record has failed to reveal anything which, in
Applicants' opinion, would remedy the deficiencies of the art discussed above, as
references against the independent claims herein. Those claims are therefore believed
patentable over the art of record.

The other claims in this application are each dependent from one or another
of the independent claims discussed above and are therefore believed patentable for the
same reasons. Since each dependent claim is also deemed to define an additional aspect of
the invention, however, the individual consideration or reconsideration, as the case may be,
of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully
requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Leonard P. Diana", is written over a horizontal line.

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